

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

CHRISTOPHER BANKS, et al.,  
Plaintiffs,

vs.

Case No.: 3:08cv272/MCR/EMT

RON McNESBY, et al.,  
Defendants.

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**ORDER**

This cause comes on for consideration upon the magistrate judge's report and recommendation dated March 17, 2009 (Doc. 168). Plaintiff, Richard Lindsay, has been furnished a copy of the report and recommendation and has been afforded an opportunity to file objections pursuant to Title 28, United States Code, Section 636(b)(1). I have made a de novo determination of any timely filed objections.

Having considered the report and recommendation, and any objections thereto timely filed, I have determined that the report and recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The magistrate judge's report and recommendation is adopted and incorporated by reference in this order.
2. Plaintiff Richard Lindsay is terminated as a Plaintiff in this cause of action, and further, that Plaintiff Richard Lindsay's case is **DISMISSED without prejudice** for failure to comply with an order of the court.
3. The clerk is directed to change the docket to reflect that Plaintiff Richard Lindsay is terminated as a Plaintiff in this cause of action. Thereafter, the clerk shall close this file as there are no remaining plaintiffs to this action.

**DONE AND ORDERED** this 16th day of April, 2009.

*s/ M. Casey Rodgers*  

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**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**